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Docket No. JBP-5016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Ying Sun et al.

Serial No. : 10/772,947

Art Unit:

Filed : February 5, 2004

Examiner:

For : PROCYANIDINS FOR TREATMENT AND PREVENTION OF
ENZYMATIC IRRITATION TO THE SKIN

I hereby certify that this correspondence is being deposited with the
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13
May 13, 2004
(Date of Deposit)

Michele G. Mangini
(Name of applicant, assignee, or Registered Representative)

MM
(Signature)

May 13, 2004
(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b); since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or

☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the

national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

☐ There are no listed references which are not in the English language.

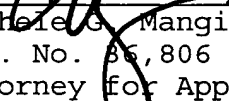
☒ The relevance of those listed references which are not in the English language can be found in an English-language abstract and/or claims set forth in the respective reference.

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/JBP5016/MGM. This form is submitted in triplicate.

Respectfully submitted,



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DATED: May 13, 2004



PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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Substitute for form 1449A/PTO.

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 3

Application Number	10/772,947
Filing Date	February 5, 2004
First Named Inventor	Sun et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	JBP-5016

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		3,755,560		Y.J. Dickert et al.	8-28-1973	
		4,421,769		Dixon et al.	12-20-1983	
		4,254,105		Fukuda	3-03-1981	
		4,960,764		Figuerola, Jr. et al.	10-02-1990	
		4,568,539		Ashton et al.	2-04-1986	
		4,485,092		Ashton et al.	11-27-1984	
		5,260,065		Mathur et al.	11-09-1993	
		6,555,143	B2	Miller et al.	4-29-03	
		6,204,596	B1	Macaulay et al.	3-20-2001	
		5,869,033		Schulz	2-09-1999	
		6,207,596	B1	Rourke	3-27-2001	
		6,551,607	B1	Minerath, III et al.	4-22-2003	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵				
		WO	01/41775	A2	Mars, Incorporated	6-14-2001		
		WO	96/31194	A2	Johnson & Johnson Consumer Products, Inc.	10-10-1996		
		WO	00/15188	A1	Karl Lintrner	03-23-2000		
		WO	02/45728	A1	Cognis France S.A.	6-13-2002		
		WO	99/26619	A1	The Procter & Gamble Company	6-03-1999		
		WO	01/08652	A1	Unilever PLC	2-08-2001		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 3

Application Number	10/772,947
Filing Date	February 5, 2004
First Named Inventor	Sun et al.
Group Art Unit	
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		Number	Kind Code ² (if known)			
		5,436,007		Hartung et al.	7-25-1995	

FOREIGN PATENT DOCUMENTS

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		Office ³	Number ⁴	Kind Code ⁵				
		EP	0 273 202	B1	Eugene J. Van Scott	6-21-1995		
		EP	0 694 305	B1	Ezio Bombardelli et al.	1-31-1996		
		WO	97/38735	A1	Enviroderm Pharmaceuticals, Inc.	10-23-1997		
		WO	99/26619	A1	The Procter & Gamble Company	6-03-1999		
		WO	97/44008	A1	Derma Sciences, Inc.	11-27-1997		
		WO	00/27191	A1	The Procter & Gamble Company	5-18-2000		
		EP	0 922 456	A1	Gianfranco Palumbo et al.	6-16-1999		
		WO	01/05397	A1	LG Chemical Ltd.	1-25-2001		
		WO	01/45726	A2	Mars, Incorporated	6-28-2001		

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 3 of 3	Application Number	10/772,947
	Filing Date	February 5, 2004
	First Named Inventor	Sun et al.
	Group Art Unit	
	Examiner Name	
	Attorney Docket Number	JBP-5016

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner's Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		Brown, D.S., et al., 39(7) A Conceptual Framework, Ostomy/Wound Management 20-25 (1993)	
		Sagarin, Cosmetics, Science and Technology, 2nd Edition, Vol. 1, pp. 32-43 and pp 72-73 (1972)	
		International Cosmetic Ingredient Dictionary and Handbook, eds. Wenninger and McEwen, pp. 1626, 1650-1667, and 1673-1697 (The Cosmetic, Toiletry, and Fragrance Assoc., Washington, D.C., 7 th Edition, 1997)	
		McCutcheon's Detergents and Emulsifiers, North American Edition, pp. 317-324 (1986),	
		Mezei & Gulasekharan, "Liposomes--A Selective Drug Delivery System for the Topical Route of Administration; Gel Dosage Form", Journal of Pharmaceutics and Pharmacology, Vol. 34 (1982), pp. 473-474	
		Mezei, M., "Liposomes as a Skin Drug Delivery System", Topics in Pharmaceutical Sciences (D. D. Breimer and P. Speiser, eds.), Elsevier Science Publishers B. V., New York, N.Y., 1985, pp. 345-358	
		Jankun, "Control of the Aggressive Lipoxigenase", Int. J. Hum Genet. 3(2): 127-134 (2003)	
		Tixier et al., "Evidence by In Vivo and In Vitro Studies That Binding Of Pycnogenols to Elastin Affects its Rate of Degradation by Elastases", Biochem Pharmacol. 1984, Dec. 15; Vol. 33, No. 24, pp. 3933-3939	
		Arteel, "Protection Against Peroxynitrite by Cocoa Polyphenol Oligomers" FEBS Letters 462 (1999) 167-170	
		"Enzymatic Assay of LIPASE," pg. 1 to 3, Sigma Quality Control Test Procedure (Revised 4/21/97)	
		L. Gianfreda et al., "Adsorption, Activity and Kinetic Properties of Urease on Montmorillonite, Aluminum Hydroxide and AL(OH)x-Montmorillonite Complexes", Soil Biol. Biochem, Vol 24, No. 1, 1992, pp. 51-58	
		L. Gianfreda et al., "Interactions of Invertase With Tannic Acid, Hydroxy-Aluminum (OH-Al) Species or Montmorillonite", Soil Biol. Biochem, Vol 25, No. 6, 1993, pp. 671-677	
		S. Aomine et al., "Effects of Allophane on the Enzymatic Activity of a Protease", Soil Science and Plant Nutrition, Vol 10, No. 1, 1964	
		K.W. Buckingham et al., "Etiologic Factors in Diaper Dermatitis: The Role of Feces", Pediatric Dermatology, Vol 3, No. 2, pgs. 107-112	

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